

## FACILITATING THE ADMISSION INTO THE UNITED STATES OF CERTAIN ALIENS

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MARCH 6, 1956.—Committed to the Committee of the Whole House and ordered to be printed

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Mr. FEIGHAN, from the Committee on the Judiciary, submitted the following

### REPORT

[To accompany H. J. Res. 555]

The Committee on the Judiciary, to whom was referred the joint resolution (H. J. Res. 555) to facilitate the admission into the United States of certain aliens, having considered the same, report favorably thereon with an amendment and recommend that the joint resolution, as amended, do pass.

The amendment is as follows:

At the end of the joint resolution, add two new sections, as follows:

SEC. 4. For the purposes of sections 101 (a) (27) (A) and 205 of the Immigration and Nationality Act, the minor children, Kate Fiorovic and Pave Fiorovic, shall be held and considered to be the natural-born alien children of Mrs. Helen Kovacevich, a citizen of the United States.

SEC. 5. For the purposes of sections 101 (a) (27) (A) and 205 of the Immigration and Nationality Act, the minor child, Toyoji (Suzuki) Whipple, shall be held and considered to be the natural-born alien child of Sergeant Jack Whipple, a citizen of the United States.

#### PURPOSE OF THE JOINT RESOLUTION

The purpose of this joint resolution, as amended, is to facilitate the admission into the United States of eight persons. The resolution has been amended to add two new sections.

#### GENERAL INFORMATION

The committee, desiring to lighten the burden of the Chief Executive and to shorten the time required for the consideration of private calendars on the floor of the House, has decided to include the names of several beneficiaries of pending private bills in one House joint

resolution, after having considered each of the cases on their individual merits and having acquainted themselves with all the facts pertinent to each case.

Section 1 of the bill, is designed to allow the fiance, and her child, of a citizen of the United States, to enter the United States for the purpose of marriage. These beneficiaries were the subjects of H. R. 1024, by Mr. Hess.

Sections 2, 4, and 5, provide for the admission of adopted children of United States citizens who were the subjects of individual private bills, respectively, as follows:

H. R. 1186, by Mr. Lipscomb.

H. R. 2740, by Mr. Gubser.

H. R. 5763, by Mr. Baldwin.

Section 3, provides for nonquota status as a returning resident alien in behalf of a former citizen of the United States. He was the subject of H. R. 1210, by Mr. McDonough.

A discussion of each case included in the joint resolution, with report from the Departments of the administration, and such additional information as was obtained by the committee, appears below in the order that those cases appear in the joint resolution, as amended.

*Tokiyo Nakajima and her child—H. R. 1024, by Mr. Hess*

The beneficiaries are mother and child, natives and citizens of Japan. Miss Nakajima is the fiance of Richard L. Brinkley, a citizen of the United States.

The pertinent facts in this case are contained in a letter dated January 3, 1955, from the Commissioner of Immigration and Naturalization to the then chairman of the Committee on the Judiciary, regarding a bill (H. R. 6995) pending during the 83d Congress for the relief of the same persons. The said letter, and accompanying memorandum, reads as follows:

UNITED STATES DEPARTMENT OF JUSTICE,  
IMMIGRATION AND NATURALIZATION SERVICE,  
Washington, D. C., January 3, 1955.

Hon. CHAUNCEY W. REED,  
Chairman, Committee on the Judiciary,  
House of Representatives, Washington, D. C.

DEAR MR. CHAIRMAN: In response to your request of the Department of Justice for a report relative to the bill (H. R. 6995) for the relief of Tokiyo Nakajima and her child, there is attached a memorandum of information concerning the beneficiaries. This memorandum has been prepared from the Immigration and Naturalization Service files relating to the beneficiaries by the Charleston, S. C., office of this service, which has custody of those files.

The bill is intended to facilitate the entry of the beneficiaries into the United States for the purpose of marriage between the said Tokiyo Nakajima and the said Richard L. Brinkley, provided the beneficiaries are found otherwise admissible under the Immigration and Nationality Act. In the event that the marriage between the said Tokiyo Nakajima and the said Richard L. Brinkley occurs within 3 months after the entry of the said Tokiyo Nakajima and her child, the Attorney General would be authorized and directed to record the lawful admission for permanent residence of the beneficiaries as of the date of the payment by them of the required visa fee.

As quota immigrants the beneficiaries would be chargeable to the quota of Japan.

Sincerely,

\_\_\_\_\_, Commissioner.

## MEMORANDUM OF INFORMATION FROM IMMIGRATION AND NATURALIZATION SERVICE FILES RE TOKIYO NAKAJIMA AND HER CHILD, BENEFICIARIES OF H. R. 6995

Information concerning the case was obtained from Richard L. Brinkley, fiance of the adult alien, and who is presently attached to the 456th Supply Squadron, Charleston Air Force Base, Charleston, S. C.

The adult beneficiary, Tokiyo Nakajima, was born in Japan about 1920, the exact date and place being unknown to Mr. Brinkley. The alien, according to Mr. Brinkley, has completed grade school in Japan and was last employed as a seamstress. The alien has never been arrested and has never been a member of any social, political, or subversive organizations.

The child beneficiary, Catherine Nakajima, was born in Irumga, Japan, about 1950, the exact date being unknown to Mr. Brinkley. The alien child, according to the information furnished by Mr. Brinkley, is the illegitimate daughter of Tokiyo Nakajima and while Mr. Brinkley is not positive who the father is, Mr. Brinkley has acknowledged paternity.

Both aliens are presently residing in Irumga, Japan, and neither has ever been to the United States. No derogatory information is known concerning either alien by Mr. Brinkley.

Richard L. Brinkley is a native and citizen of the United States and is presently serving as an airman, second class, in the United States Air Force. Mr. Brinkley stated that his monthly income is \$128 and that he has no other income or assets, other than approximately \$200 in the First National Bank in Cincinnati, Ohio.

Information furnished by the commanding officer of the 456th Supply Squadron and other military personnel indicates that Brinkley is considered as an irresponsible person. In addition he admits to two arrests on the charge of drunk and disorderly.

The committee may wish to communicate with the Bureau of Security and Consular Affairs for further information regarding the beneficiaries.

The Director of the Visa Office, Department of State, also submitted a report on this case which reads as follows:

DEPARTMENT OF STATE,  
Washington, March 13, 1954.

HON. CHAUNCEY W. REED,  
*Chairman, Committee on the Judiciary,  
House of Representatives.*

MY DEAR MR. REED: Reference is made to previous correspondence relative to the cases of Miss Tokiyo Nakajima and her child, who are the beneficiaries of H. R. 6995, 83d Congress, 2d session.

A communication has now been received from the American Embassy at Tokyo which reports that Miss Nakajima called at that office on February 23, 1954, with her daughter, Megumi Nakajima, and completed a preliminary visa application. At that time she stated that she was born at Tokyo on August 3, 1920; that she graduated from junior high school in 1935; that she presently resides with her mother; and that her father is deceased.

Miss Nakajima stated further that she met Mr. Richard L. Brinkley in September or October of 1948 and that in the fall of 1949 they lived together as man and wife with the consent of her mother and elder brother. On February 17, 1950, her daughter was born.

Three months prior to Mr. Brinkley's departure from Japan he attempted to complete the procedures required in connection with marriage under the Far East Command, but was returned to the United States in September 1952 prior to receiving the necessary permission. He left ¥30,000 with Miss Nakajima before departing from Japan, and has been sending her \$40 monthly and writing to her regularly ever since.

The Japanese quota, to which Miss Nakajima and her child are chargeable for immigration purposes, is very greatly oversubscribed. In consequence, a protracted period of waiting is to be anticipated before numbers from the quota will become available to cover the issuance of immigrant visas to them.

At this time, the Department has no information from which it can be ascertained whether Miss Nakajima and her daughter are eligible to receive visas under the immigration laws and regulations.

Sincerely yours,

EDWARD S. MANEY,  
*Director, Visa Office,  
(For the Acting Secretary of State).*

*Marco and Irene Radic—H. R. 1186, by Mr. Lipscomb*

These beneficiaries, Marco and Irene Radic, are 10 and 8 years of age respectively. They are natives and citizens of Yugoslavia who have been released for adoption by their aunt and uncle, Mr. and Mrs. Mike Radic, citizens of the United States.

The pertinent facts in this case are contained in a letter, dated July 8, 1954, from the Commissioner of Immigration and Naturalization to the then chairman of the Committee on the Judiciary, regarding a bill (H. R. 7936) for the relief of the same persons which was pending during the 83d Congress. That letter and accompanying memorandum read as follows:

JULY 8, 1954.

HON. CHAUNCEY W. REED,  
*Chairman, Committee on the Judiciary,  
House of Representatives, Washington, D. C.*

DEAR MR. CHAIRMAN: In response to your request of the Department of Justice for a report relative to the bill (H. R. 7936) for the relief of Marko and Irene Radic, there is attached a memorandum of information concerning the beneficiaries. This memorandum has been prepared from the Immigration and Naturalization Service files relating to the beneficiaries by the Los Angeles, Calif., office of this Service, which has custody of those files.

The bill is intended to confer nonquota status upon the alien children pursuant to section 101 (a) (27) (A) of the Immigration and Nationality Act, by providing that the children be considered the natural-born children of United States citizens.

As quota immigrants the children would be chargeable to the quota of Yugoslavia.

Sincerely,

\_\_\_\_\_, *Commissioner.*

MEMORANDUM OF INFORMATION FROM IMMIGRATION AND NATURALIZATION  
SERVICE FILES RE MARKO AND IRENE RADIC, BENEFICIARIES OF H. R. 7936

Both beneficiaries are residing abroad. Mr. Mike Radich, uncle of the beneficiaries and sponsor of this legislation, has furnished the following information:

Marko Radic, age 8, and Irene Radic, age 6, are natives and citizens of Yugoslavia. They are the natural children of two brothers of Mr. Radich, and have never lived in the United States. Marko Radic resides with his parents, 1 older brother, and 3 older sisters. Irene Radic resides with her parents, 4 older brothers, and 1 older sister. Families of each beneficiary are citizens of Yugoslavia and live in the village of Drinovci, Hercegovina, Yugoslavia. The fathers of both beneficiaries are peasant farmers.

The sponsors of this legislation are husband and wife. Mrs. Irene Courtway Radich, age 49, is a native-born United States citizen. Mr. Mike Radich, also known as Marko Radic, is a native of Yugoslavia, age 58, a naturalized United States citizen since 1942, a resident of the United States since 1912, and the owner of a contracting firm in California for the past 22 years. Mr. Radich was previously married in 1924 and widowed in 1942. No children were born of either marriage. Mrs. Radich has two older brothers living in the United States. Mr. Radich has 4 brothers and 3 sisters living in Yugoslavia. Parents of both sponsors are deceased.

Mr. and Mrs. Radich's only source of income is derived from the operation of the firm of Radich & Fergusson and real-estate holdings, all in California. Their average adjusted gross income from all sources is approximately \$26,000 per annum and their net worth is about \$700,000. The sponsors live alone in a 20-room home in an exclusive residential district of Los Angeles, Calif. They have no other dependents other than frequent remittances to the relatives of Mr. Radich and various philanthropic causes. The natural parents of the beneficiaries are reported to have no objection to their legal adoption by the sponsors.

Mr. Lipscomb, the author of H. R. 1186, appeared before a subcommittee of the Committee on the Judiciary, and recommended the favorable consideration of his measure. In addition Mr. Lipscomb submitted the following letter in support of this case:



HOUSE OF REPRESENTATIVES,  
Washington, D. C., January 20, 1955.

HON. EMANUEL CELLER,  
*Chairman, Committee on the Judiciary,*  
*House of Representatives, Washington, D. C.*

DEAR MR. CELLER: I am writing with regard to my private bill, H. R. 1186, reintroduced on January 5, 1955, for the relief of Marko and Irene Radic.

Mr. and Mrs. Michael Radich, 4830 Los Feliz Boulevard, Los Angeles, Calif., desire to adopt Marko and Irene Radic, the minor children of two of Mr. Radich's brothers. Marko was born in June 1947, and his parents are Ivan Radic (father), born June 1904, and Janja Majic Radic (mother), born 1911. The parents of Irene Radic are Nikola Radic (father), born 1906, and Iva Tomas Radic (mother), born 1909. Irene Radic was born February 17, 1949. The parents and children were born in the same vicinity, and still reside there. Their present address is Kotar Ljubuski, Z. P. Drinovci, Hercegovina, Yugoslavia.

Marko and Irene Radic are registered as of July 3, 1952, on the nonpreference portion of the Yugoslav quota. I have introduced this private bill because of the very heavily oversubscribed Yugoslav quota waiting list, and it would take several years to bring the children to the United States under regular procedures.

Mr. Radich has four brothers with large families in Yugoslavia and each family has one room in which to eat, sleep, and live. From the conditions described in the Radich's letters, it would appear that the children do not have enough food, clothing, etc. Mr. and Mrs. Radich went to Yugoslavia in 1952, and after much difficulty, were able to visit their relatives. The parents of Marko and Irene Radic are desirous of having their children adopted and brought to the United States so they may be given the advantages offered by Mr. and Mrs. Radich. A financial statement has been included in the file, and shows Mr. Radich's present assets to be approximately \$478,000.

From the letters in my file, it would seem that Mr. Radich is held in high regard by his church, neighbors, and others, and during World War II, was awarded a Government medal for high efficiency, honesty, and integrity in the building of airports, ammunition dumps, and supply depots. He has been a contractor in Los Angeles for 35 years and his present business address is 3000 Empire, Burbank, Calif., known as Radich & Fergusson, Inc.

I would appreciate your requesting a report on Marko and Irene Radic from the Department of State, even though the necessity for a second report has not been established.

Sincerely yours,

GLENARD P. LIPSCOMB,  
*Member of Congress.*

An additional report submitted to the chairman of the Committee on the Judiciary by the Commissioner of Immigration and Naturalization reads as follows:

UNITED STATES DEPARTMENT OF JUSTICE,  
IMMIGRATION AND NATURALIZATION SERVICE,  
Washington, D. C., June 14, 1955.

HON. EMANUEL CELLER,  
*Chairman, Committee on the Judiciary,*  
*House of Representatives, Washington, D. C.*

DEAR MR. CHAIRMAN: This refers to the report furnished by this Service to the committee on July 8, 1954, relative to Marko and Irene Radic, beneficiaries of private bill H. R. 7936, 83d Congress, and their sponsors, Mr. Mike Radich and Mrs. Irene Courtway Radich, now beneficiaries and sponsors, respectively, under private bill H. R. 1186. The following additional information is submitted concerning the sponsor, Mike Radich:

Mr. Radich was questioned by an officer of this Service concerning the purchase of surplus equipment from the United States Government through the use of an agent acting for him and using an eligibility certificate which restricted the purchaser of record to use of the equipment for his own firm.

Concerning this transaction Mr. Radich stated that on September 30, 1946, he purchased a used tractor from one Edward Beaver, an employee of Mr. Radich's contracting firm. Mr. Radich exhibited an invoice showing its purchase by Mr. Beaver from the War Material Command in San Bernardino, Calif., for \$3,980, and a week later its resale to Radich & Co. at the same price. Mr. Beaver is still employed by Mr. Radich's firm. Mr. Radich further stated that he was not aware that the sale was conditioned on Mr. Beaver's representation to the seller

that the equipment was to be used by him only in his own business, and that he was unable at that time to purchase similar equipment for the price paid.

When questioned by a representative of this Service, Mr. Beaver stated that he borrowed the money with which to purchase the aforementioned equipment from Mr. Fergusson, of the contracting firm of Radich & Fergusson. It was his intention at that time to use the equipment in connection with the operation of a contracting business which he proposed to found in company with a former employer. The new concern failed to materialize, and Mr. Beaver delivered the equipment to Radich & Fergusson, considering the equipment to be adequate security for the loan. Mr. Beaver stated that there was no criminal intent on the part of anyone concerned to defraud the Government, and pointed out that he could have held title to the equipment and leased it to the company if he had intended to commit a crime. Both Mr. Radich and Mr. Beaver stated that they had not previously been questioned by anyone concerning the transaction.

Mr. Radich was also questioned concerning his posting a considerable part of the bond furnished by Andrija Artukovic in obtaining release from custody at Los Angeles, Calif. The Yugoslavian Government has instituted extradition proceedings in the Federal courts at Los Angeles, which have been pending since 1951, on a charge of mass murders committed in violation of the criminal law of Yugoslavia under his direction while he was an official of the government of the independent state of Croatia during 1941 and 1942. For information concerning Artukovic you are referred to the report of this Service in connection with H. R. 2789, 84th Congress.

Mr. Radich stated that he originally posted \$5,000 of a \$50,000 bond on behalf of Mr. Artukovic and subsequently, upon the death of another bondsman, had contributed an additional \$10,000 to the bond. His money has since been returned to him and he stated that he now has no financial interest in the case.

Mr. Radich was questioned with reference to an application for a visa which he made to the Yugoslavian Government and which was denied because of his interest in the Artukovic case. He stated that he made an application for a visa at the Yugoslavian consulate in San Francisco in 1951. The consulate refused to issue the visa unless he withdrew as a bondsman in the Artukovic case. The visa was subsequently issued. Mr. Radich stated that he never represented to the Yugoslavian consul at any time that he considered compliance with the conditions set for issuance of a visa.

Mr. Radich was also questioned regarding a substantial contribution he made to the Hercegovacki Committee of California. Information available to this Service indicates that the Hercegovacki Committee of California was located at 3221 Eagle Street, Los Angeles, Calif. The 1947 letterhead of the committee stated that it was affiliated with the American Committee for Yugoslav Relief, Inc., an organization which was cited as subversive and Communist by Attorney General Tom Clark on June 1, and September 21, 1948. The letterhead carried a slogan reading "Help Buy a Children's Clinic for Hercegovina."

Mr. Radich stated that he had been approached several years ago by an organization which represented that it was collecting funds for the purpose of erecting a children's hospital in Yugoslavia. He contributed the sum of \$1,000, and later, during July 1946, he donated an additional \$100. He stated that he was later told by friends and family in Yugoslavia that the intended beneficiaries had received none of the money thus raised, and that he had unwittingly contributed to the Tito regime in Yugoslavia.

Sincerely,

\_\_\_\_\_, Commissioner.

*Stephen Moe Jung—H. R. 1210, by Mr. McDonough*

Stephen Moe Jung is a native and citizen of China. He entered the United States as the son of a merchant and subsequently served in the United States Army and was naturalized on December 6, 1944. He returned to Hong Kong, British Crown Colony, and has expatriated himself by prolonged residence abroad. His father and one sister are United States citizens.

The pertinent facts in this case are contained in a letter, dated August 20, 1954, from the Commissioner of Immigration and Naturalization to the then chairman of the Committee on the Judiciary, regarding a bill (H. R. 7359) pending during the 83d Congress for the relief of the same person. That letter and accompanying memorandum read as follows:

AUGUST 20, 1954.

HON. CHAUNCEY W. REED,  
*Chairman, Committee on the Judiciary,*  
*House of Representatives, Washington 25, D. C.*

DEAR MR. CHAIRMAN: In response to your request of the Department of Justice for a report relative to the bill (H. R. 7359) for the relief of Stephen Moe Jung, there is attached a memorandum of information concerning the beneficiary. This memorandum has been prepared from the Immigration and Naturalization Service files by the Los Angeles, Calif., office of this Service, which has custody of those files.

The bill is intended to confer the status of returning resident alien upon the beneficiary for the purposes of section 101 (a) (27) (B) of the Immigration and Nationality Act.

Sincerely,

\_\_\_\_\_, *Commissioner.*

MEMORANDUM OF INFORMATION FROM IMMIGRATION AND NATURALIZATION  
SERVICE FILES RE STEPHEN MOE JUNG, BENEFICIARY OF H. R. 7359

The beneficiary is residing abroad. The following information was obtained in part from Mr. Hing Guoon Jung, Los Angeles, Calif. who is the father of the beneficiary and sponsor of the bill in his behalf.

Stephen Moe Jung, also known as Jung Moe You, is a native and citizen of China, born at Hong Kong, British Crown Colony, June 26, 1925, and is presently residing in Hong Kong. He was admitted to the United States on August 28, 1941, at San Francisco, Calif. as the son of a merchant. He entered the United States Army on September 25, 1944, and was naturalized a United States citizen on December 6, 1944. He was honorably discharged from the United States Army in 1946 and in May 1947 he returned to Hong Kong, British Crown Colony. In 1951 he applied for a passport as a United States citizen at the American consulate in Hong Kong. His application was denied and the American consul ruled on June 8, 1951, that he had expatriated himself under the provisions of section 404 (b) of the Nationality Act of 1940, to wit: Continuously residing in Hong Kong, the place of his birth, for a period in excess of 3 years.

The beneficiary's father testified that the beneficiary obtained a high-school education in Hong Kong and while in the United States attended the Curtiss-Wright Aeronautical Institute for 1 year and the California Institute of Technology for 2 years. The father further testified that the beneficiary was married to Nancy Eu in Hong Kong on an unknown date but is presently separated from her. A daughter, Linda Jung, was born of this marriage at Hong Kong, date unknown, and is presently residing with the beneficiary in that city. According to the father's testimony, the beneficiary, since residing in Hong Kong has engaged in the export and import business. The father could furnish no definite information concerning the financial status of the beneficiary.

The beneficiary's father is a naturalized United States citizen and his mother, Sun Ying, is a native and citizen of China and is presently residing in Hong Kong. Other than his father the beneficiary has the following relatives residing in the United States: One sister and two uncles, all of whom are United States citizens, and a brother and paternal grandmother who are citizens of China. In addition to his mother and daughter residing abroad the beneficiary has a United States citizen aunt residing in French Indochina and an uncle residing in Hong Kong who is a citizen of China.

The Director of this Visa Office, Department of State, also submitted a report on this case which reads as follows:

DEPARTMENT OF STATE,  
*Washington, February 18, 1954.*

HON. CHAUNCEY W. REED,  
*Chairman, Committee on the Judiciary,*  
*House of Representatives.*

MY DEAR MR. REED: Reference is made to your letter of January 22, 1954, and its enclosures, wherein you requested a report of the facts in the case of Stephen Moe Jung, beneficiary of H. R. 7359, 83d Congress, 2d session. Reference is also made to the Department's interim reply of January 26, 1954.

According to information contained in a report dated January 21, 1954, from the American consulate general at Hong Kong, Stephen Moe Jung, a former naturalized citizen of the United States who expatriated himself under the pro-

visions of section 404 (b) of the Nationality Act of 1940, as amended, was informally refused a nonimmigrant visa with which he desired to apply for temporary admission into the United States to attend a religious conference. The foregoing report further indicates that the visa was refused on the grounds that Mr. Jung failed to establish to the satisfaction of the consular officer that he is a bona fide nonimmigrant. The above-mentioned report does not show that Mr. Jung applied for an immigrant visa as a returning resident alien under section 101 (a) (27) (B) of the Immigration and Nationality Act, but in view of the circumstances in the case, he would not appear to be eligible to receive such a visa.

The Chinese quota, to which Mr. Jung is chargeable, is heavily oversubscribed, and it is anticipated that Mr. Jung would encounter a protracted period of waiting before a quota number could be allotted for his use.

At this time the Department has no information concerning Mr. Jung's eligibility to receive an immigrant visa under the nonpreference portion of the Chinese quota.

Sincerely yours,

EDWARD S. MANEY,  
Director, Visa Office  
(For the Acting Secretary of State).

*Kate and Pave Fiorovic—H. R. 2740, by Mr. Gubser*

These beneficiaries are 13-year-old and 11-year-old sisters who are natives and citizens of Yugoslavia who reside in that country with their natural parents. They have been adopted by Mrs. Helen Kovacevich, their aunt, who is a citizen of the United States. Mrs. Kovacevich is a widow and is financially able to support the two children in the United States.

The pertinent facts in this case are contained in a letter, dated July 19, 1954, from the Commissioner of Immigration and Naturalization to the then chairman of the Committee on the Judiciary, regarding a bill (H. R. 8060) pending during the 83d Congress for the relief of the same persons. That letter, and accompanying memorandum, read as follows:

JULY 19, 1954.

HON. CHAUNCEY W. REED,  
Chairman, Committee on the Judiciary,  
House of Representatives, Washington, D. C.

DEAR MR. CHAIRMAN: In response to your request of the Department of Justice for a report relative to the bill (H. R. 8060) for the relief of Kate Fiorovic and Pave Fiorovic, there is attached a memorandum of information concerning the beneficiaries. This memorandum has been prepared from the Immigration and Naturalization Service file relating to the beneficiaries by the San Francisco, Calif., office, which has custody of that file.

The bill is intended to confer nonquota status upon the alien children pursuant to sections 101 (a) (27) (A) and 205 of the Immigration and Nationality Act, by providing that the children shall be considered the natural-born alien children of a United States citizen.

As quota immigrants, the children would be chargeable to the quota of Yugoslavia.

Sincerely,

\_\_\_\_\_, Commissioner.

MEMORANDUM OF INFORMATION FROM IMMIGRATION AND NATURALIZATION SERVICE FILE CONCERNING KATE FIOROVIC AND PAVE FIOROVIC, BENEFICIARIES OF PRIVATE BILL H. R. 8060

The beneficiaries, Kate and Pave Fiorovic, are children, natives and citizens of Yugoslavia, born February 22, 1942, and February 3, 1945, at Vodovada, Yugoslavia. They have never been in the United States. They reside with their parents at Vodovada, Dubrovnik, Yugoslavia. Information concerning them was furnished by the sponsor, Mrs. Pauline Seurich, Watsonville, Calif., and her sister, Mrs. Helen Kovacevich, of Jackson, Calif.

These two beneficiaries are living with their parents, Andro and Luce Fiorovic, in Yugoslavia. Altogether, there are five young daughters in the family and their father finds it difficult to properly support and educate all of them. It is said that



their education in Yugoslavia may not continue beyond the sixth grade of grammar school because of the economic situation. Both the sponsor and her sister, Mrs. Helen Kovacevich, are well able financially to raise their brother's two daughters in this country. Mr. and Mrs. Scurich estimate their property at a value of \$100,000. Mr. Scurich has been in the insurance business in Watsonville since 1924, and they own considerable property in Santa Cruz County, Calif. Both have excellent reputations in their community. Mrs. Scurich states that it is desired to have these two young girls come to the United States and live with Mrs. Kovacevich because she is a widow and her only child is an adult. They are willing to cooperate fully in this endeavor.

Mrs. Helen Kovacevich, like her sister, Mrs. Scurich, is a naturalized citizen of the United States. Her husband died in 1952, since which time Mrs. Kovacevich has operated a boardinghouse and restaurant in Jackson, Calif. They have lived in that community for many years. Mrs. Kovacevich has assets which include a duplex apartment building in Sacramento, which returns \$150 per month rental; a coal mine leased for \$1,200 per annum, plus royalties; 365 acres of pastureland, now rented at \$950 per annum; rental from a house of \$30 per month; a prune orchard; 35 head of cattle; approximately \$22,000 in cash; 56 acres of pastureland, with a sprinkling system, which cost about \$9,000; a 1952 model Chevrolet pickup truck; a 1937 Chrysler sedan; and the boardinghouse business, where she also serves Sunday dinners to the public. From the foregoing, it will be seen that she is well fixed financially. She enjoys an excellent reputation in the community, where she has resided for many years.

The Director of the Visa Office, Department of State, also submitted a report on this case, which reads as follows:

DEPARTMENT OF STATE,  
Washington, March 30, 1954.

HON. CHAUNCEY W. REED,  
*Chairman, Committee on the Judiciary,  
House of Representatives.*

MY DEAR MR. REED: Reference is made to your letter of February 26, 1954, and its enclosures, wherein you request a report of the facts in the cases of Kate Fiorovic and Pave Fiorovic, beneficiaries of H. R. 8060, 83d Congress, 2d session.

A communication from the American Embassy at Belgrade indicates that an application for the registration of the two aforementioned children as intending immigrants was received on July 3, 1953. In view of the very heavily over-subscribed condition of the Yugoslav quota, a protracted delay of indefinite duration is to be anticipated before numbers from the quota will become available for their use.

At this time, the Department has no information from which it can be ascertained whether the children in question would be otherwise eligible to receive immigrant visas under the immigration laws and regulations.

Sincerely yours,

EDWARD S. MANEY,  
*Director, Visa Office  
(For the Secretary of State).*

Mr. Gubser, the author of H. R. 2740, appeared before a subcommittee of the Committee on the Judiciary and recommended the favorable consideration of this measure. In support of his bill Mr. Gubser submitted the following adoption decree:

[TRANSLATION FROM SERBO-CROATIAN]

FEDERATIVE PEOPLE'S REPUBLIC OF YUGOSLAVIA, PEOPLE'S REPUBLIC OF CROATIA, PEOPLE'S COMMITTEE OF THE DISTRICT OF DUBROVNIK, SECTION FOR PUBLIC HEALTH AND SOCIAL POLITICS, No. 2144/55

Minutes of April 8, 1955, made in the People's Committee of the District of Dubrovnik in the matter of adoption of the infants Kate and Pave Fjorovic, daughters of Andro of Vodovadje by Kovacevic Helen, widow of Pavo, née Fjorovic of Vodovadje near Dubrovnik, domiciled at Jackson, Calif.

Present on the part of the office: Baca Ivo, chief of the Section for Public Health and Social Politics; reporter Ive Tomislav, employee of the office of guardianship and protection of children.

Parties: For the adopting parent, Kovacevic Helen, widow of Pavo, née Fjorovic, daughter of the late Pavo of Jackson, Calif., her representative Dr. Podic, Mato, attorney at law of Dubrovnik, on the ground of the power of attorney issued in Jackson, Calif., on April 9, 1954, certified on April 19, 1954, under L. No. 1711 by the consulate general of the Federative People's Republic of Yugoslavia in San Francisco,

Adopted children's father: Fjorovic Andro, son of the late Pavo, farmer of Vodovodja.

Adopted children's mother: Fjorovic Luce, wife of Andro, née Zglav, daughter of the late Niko, housewife of Vodovodja.

Adopted children: Fjorovic Kate, daughter of Andro and Fjorovic Pave, daughter of Andro of Vodovodja.

The chief of the section for Public Health and Social Politics of the People's Committee of the District of Dubrovnik has established that all persons summoned for the hearing and whose attendance is necessary by law, are present, with the exception of the adopting parent Kovacevic Helen, widow of Pavo, of Jackson, Calif., for whom appeared her representative Podic Dr. Mato, attorney at law, of Dubrovnik, who, on the ground of the above-mentioned power of attorney and the approval of the Council for Public Health and Social Politics of the Cabinet of the People's Republic of Croatia of March 6, 1955, No. 7108-II-1-1955, has the authority to make binding statements on this subject matter in the name of the adopted parent Kovacevic Helen.

The chief of the Section explains to the summoned persons the subject matter (of the hearing); (after that) he reads the application and calls the representative of the adopting parent to have his statement recorded.

After that, the adopting parent, through the representative, made the following statement: I, Podic Dr. Mato, son of the late Baldo, attorney at law of Dubrovnik in the name of Kovacevic Helen, widow of Pavo, née Fjorovic, daughter of the late Pavo, of Jackson, Calif., as her representative, do state that the same Kovacevic Helen, widow of Pavo, born on September 13, 1911, at Vodovadja, domiciled at Jackson, Calif., by profession, a restaurateur, does adopt the infants Fjorovic Kate, daughter of Andro and Fjorovic Pave, daughter of Andro, daughters of Fjorovic Andro, father of the late Pavo and Fjorovic Luce, mother, Andro's wife, née Zglav, daughter of the late Niko, so that the adopted children do retain their family name and also do take the family name of the adopting parent, i. e., to their family name they shall add the family name "Kovacevic"; that the adopted children by the present adoption do acquire all rights of inheritance after the death of the adopting parents as if they were her true daughters. The chief of the Section calls the parents of the infants Kate and Pave Fjorovic, daughters of Andro, to make their statement concerning the adoption. After that they do state:

"I, Fjorovic Andro, son of the late Pavo, father, and I, Fjorovic Luce, Andro's wife, née Zglav, mother of the infants Kate and Pave Fjorovic, Andro's daughters, do agree that Kovacevic Helen, widow of Pavo, née Fjorovic, may adopt our infant daughters, Kate and Pave Fjorovic, Andro's daughters and that these our children in addition to their family name do add the family name of the adopting parent, i. e., Kovacevic, and concerning the right of inheritance that these our daughters by the present adoption do acquire all rights of inheritance from the adopting parent Kovacevic Helen, nee Fjorovic."

The chief of the Section calls the infants Kate and Pave Fjorovic, Andro's daughters, being over 10 years of age, to make their statement concerning the adoption. After that they do state:

"I, Kate Fjorovic, born on February 9, 1942, and I, Pave Fjorovic, born on January 7, 1945, both daughters of Fjorovic Andro, father of the late Pavo, and Fjorovic Luce, mother, Andro's wife, née Zglav, do state that we fully do agree with the statement made by the adopting parent concerning our adoption."

After that, the chief of the Section reads the pertinent sections of the Law on Adoption of April 1, 1947 concerning rights and duties of the adopting parents and adopted children.

The chief of the Section, after inspection of the file and the establishing of facts, finds that the adopted children are infants, that the adopting parent is older than the adopted children by more than 18 years, that the adopted children, being over 10 years of age, did agree to be adopted, that both parents did consent (to the adoption), and that they themselves are neither deprived of their paternal rights nor incapable of expressing their will, that only one adopting parent does adopt, that the consent of the other spouse is not necessary because

he died in 1952 (?), and that the adopting parent herself is neither deprived of her parental rights nor incapable of expressing her will, that the adopted children do not descend in the direct line from the adopting parent, that they are neither brother nor sisters, and that there is no circumstance which would constitute a bar by law preventing the adoption by the adopting parent. Therefore, all requirements provided for by law concerning adoption, are fulfilled.

Finally, the chief of the Section establishes that the adoption is useful for both adopted children because they have the opportunity to improve in all respects, professionally, morally, and socially through the adopting parent, whose way of life (and conduct) up to now has been correct in all respects. On the other hand, their parents, having five children, all daughters, are not able to offer what is necessary for their proper education as it will be offered to them by the adopting parent.

There being no objections by either party to the above-mentioned (facts), the chief of the Section does state that the adoption is executed.

Read and signed:

Podic, Dr. Mato, attorney at law, of Dubrovnik, as representative of the adopting parent Kovacevic Helen, widow of Pavo, née Fjorovic.

Dr. MATO PODIC.

Adopted children's father, Fjorovic Andro, son of the late Pavo.

FJOROVIC ANDRO.

Adopted children's mother, Fjorovic Luce, wife of Andro, née Zglav.

FJOROVIC LUCE.

Adopted child, Fjorovic Kate, daughter of Andro.

FJOROVIC KATE.

Adopted child, Fjorovic Pave, daughter of Andro.

FJOROVIC PAVE.

BACA IVO,

*Chief of the Section for Public Health and Social Politics.*

IVE TOMISLAV, *Reporter.*

[Seal of the People's Committee of the District of Dubrovnik, People's Republic of Croatia]

Translated by Dr. Fran Gjupanovich, legal analyst, Foreign Law Section, Law Library, Library of Congress, Washington, D. C., June 15, 1955.

*Toyoji (Suzuki) Whipple—H. R. 5763, by Mr. Baldwin*

The beneficiary is a 12-year-old Japanese child who has been adopted by a United States citizen and his alien wife.

Certain pertinent facts in this case are contained in a letter, dated November 4, 1955, from the Commissioner of Immigration and Naturalization to the chairman of the Committee on the Judiciary. That letter reads as follows:

UNITED STATES DEPARTMENT OF JUSTICE,  
IMMIGRATION AND NATURALIZATION SERVICE,  
Washington, D. C., November 4, 1955.

HON. EMANUEL CELLER,

*Chairman, Committee on the Judiciary,*

*House of Representatives, Washington, D. C.*

DEAR MR. CHAIRMAN: This refers to the report furnished by this Service to the committee on July 9, 1954, relative to Toyoji (Suzuki) Whipple, beneficiary of private bill H. R. 8733, 83d Congress. This person is now the beneficiary of private bill H. R. 5763, 84th Congress.

Since submitting the report of July 9, 1954, the following additional information has been received concerning the beneficiary and the interested parties in this case:

The beneficiary is a 12-year-old child, a native and citizen of Japan, who was born on April 15, 1943, in Kami Meguro, Meguro Ku, Tokyo, Japan. He has never been in the United States. His natural father is deceased. He resides with his mother, Mrs. Kinu Suzuki Whipple, and his adoptive father, Sgt. Jack Whipple, at Grants Heights, Tokyo, Japan.

The beneficiary's mother, Mrs. Kinu Suzuki Whipple, a native and citizen of Japan, was born on November 17, 1917, at Kizuki, Kawasaki City, Japan. She has been married on two occasions. Her first marriage was to the beneficiary's father. He was killed during World War II. She next married her present husband, Sgt. Jack Whipple, on November 17, 1953, in Tokyo, Japan. Sergeant

Whipple is a citizen of the United States. He was born on February 22, 1923, at Santa Cruz, Calif. Sergeant Whipple has been married on two occasions. His first marriage was terminated by divorce in April of 1953. Sergeant Whipple has been in the United States Army since November 1942. His income is \$3,900 a year. Sergeant Whipple indicates he adopted the beneficiary in Japan. However, no documents concerning such adoption have been furnished to this Service.

The committee may wish to direct a request to the Bureau of Security and Consular Affairs of the Department of State for additional information concerning the beneficiary.

Sincerely,

\_\_\_\_\_, Commissioner.

In addition, the Director of the Visa Office, Department of State submitted a report on this case which reads as follows:

DEPARTMENT OF STATE,  
Washington, June 30, 1955.

HON. EMANUEL CELLER,  
Chairman, Committee on the Judiciary,  
House of Representatives.

DEAR MR. CELLER: Reference is made to your letter of May 3, 1955, and its enclosures, wherein you requested a report of the facts in the case of Toyoji (Suzuki) Whipple, beneficiary of H. R. 5763, 84th Congress, 1st session.

A report recently received by the Department from the American Embassy at Tokyo, Japan, states that Toyoji Whipple is the adopted child of Sgt. Jack Whipple. Sergeant Whipple has presented evidence of legal adoption. The adopted child is registered under the nonpreference portion of the Japanese quota under date of June 8, 1954, as Sergeant Whipple has not yet petitioned for fourth preference. As the child is 12 years of age he is not eligible for consideration under section 5 (a) of the Refugee Relief Act of 1954, as amended.

As the quota for Japan is oversubscribed, it is anticipated that Toyoji Whipple would undergo a considerable period of waiting before a number could be allotted for his use.

At the present time there is no information in the Department's files from which it could be ascertained whether or not Toyoji Whipple would be eligible in all respects to receive a visa.

Sincerely yours,

ROLLAND WELCH,  
Director, Visa Office.

Mr. Baldwin, the author of H. R. 5763, appeared before a subcommittee of the Committee on the Judiciary and recommended the favorable consideration of this legislation. Mr. Baldwin also supplied the committee with additional information in this case, as follows:

HOUSE OF REPRESENTATIVES,  
Washington, D. C., January 3, 1956.

HON. EMANUEL CELLER,  
Chairman, Judiciary Committee,  
House of Representatives, Washington, D. C.

DEAR MR. CELLER: This will acknowledge receipt of your letter of November 18, 1955, enclosing a copy of the report of the Immigration and Naturalization Service on private bill H. R. 5763, 84th Congress, relative to Toyoji (Suzuki) Whipple.

In paragraph 4 of this report the following statements appear: "Sergeant Whipple indicates he adopted the beneficiary in Japan. However, no documents concerning such adoption have been furnished to this Service \* \* \*"

I would like to point out that evidence of this adoption is contained in a report filed with your committee on this same private bill by Mr. Rolland Welch, Director, Visa Office, State Department, on June 30, 1955. This report in its second paragraph reads as follows:

"A report recently received by the Department from the American Embassy at Tokyo, Japan, states that Toyoji Whipple is the adopted child of Sgt. Jack Whipple. Sergeant Whipple has presented evidence of legal adoption \* \* \*"

As further evidence relative to this adoption, I am enclosing statements which I have received from Sgt. Jack Whipple in a letter dated December 15, 1955, upon this same subject, together with a certified copy of the family register confirming the adoption, together with an English translation.



As I understand it, there is now on file all the evidence necessary in order that a hearing may be held upon this private bill. We would therefore deeply appreciate the scheduling of such a hearing at the earliest possible date, and I would like to request the opportunity to appear at the hearing to testify in behalf of the bill.

With kindest regards.

Sincerely yours,

JOHN F. BALDWIN,  
*Member of Congress.*

TOKYO, JAPAN, *December 15, 1955.*

HON. JOHN F. BALDWIN,  
*House of Representatives,*  
*Washington, D. C.*

DEAR MR. BALDWIN, I am very happy to have just received your letter of December 1 regarding additional documents you may need in presenting our private bill, H. R. 5763.

In early January 1954 my wife and I appeared at the Tokyo Court of Family Relations and secured a document authorizing my adoption of Toyoji. We were told at the time that this procedure was unnecessary inasmuch as my wife had previously formally adopted the boy. This document was given by me to a representative of the American Embassy in Tokyo during the course of their investigation. We were told that it would only be necessary to register the adoption by amending my wife's family register (Kosekitohon) at the local municipal office. We accomplished this and the family register was so amended. I am enclosing a copy of the family register with English translation. These two documents are all that exist pertaining to the adoption of Toyoji, and are all that are required by Japanese law.

Am sorry to have been so lax in writing to express my appreciation of your timely action in assisting my efforts to secure an extension of my foreign-service tour. I especially appreciate the additional time as it allows the boy to complete the school year here in the Army dependent school which has done everything possible to give him a thorough grounding in elementary school subjects.

We hope to call and express our thanks personally next year when we return to the States.

Sincerely yours,

JACK WHIPPLE, *Sergeant, RA19176726.*

[Copy of Family Register]

KAWASAKI CITY OFFICE, KANAGAWA

Permanent domicile: 1,152, Kizuki, Kawasaki-shi, Kanagawa-ken.

Name: Kinu Suzuki.

(Due to report on division of register, this register was compiled on February 23, 1950.)

Name: Kinu.

Father: Masayoshi Suzuki.

Mother: Yoshi.

Degree of relationship: Eldest daughter.

Born: December 17, 1917.

Birth at 1,152, Kizuki, Sumiyoshimura, Kitsuju-gun, on December 17, 1917, was reported by father, Masayoshi Suzuki, and the report was accepted and registered on the 27th of the same month.

Report on division of register was accepted on February 23, 1950, and was entered in register from that of Masayoshi Suzuki, 1,152, Kizuki, Kawasaki-shi.

Adoption of Toyoji Segawa was reported on March 31, 1950.

Report of marriage to Jack Whipple, nationality American, received November 17, 1953, by the headman of Chuoward, Tokyo, and forwarded November 30, 1953, for registration to this office.

Name: Toyoji.

Father: Kikujiro Segawa.

Mother: Sute.

Degree of relationship: Fifth son.

Adoptive mother: Kinu Suzuki.

Degree of relationship: Adopted son.

Born: April 15, 1943.

Birth at 2,563, 5-chome, Kami Meguro, Meguro-ku, Tokyo-shi, on April 15, 1943, was reported by father, Kikujiro Segawa, and the report was accepted by headman of Setagaya ward, Tokyo city, on May 21, in the same year, and was sent for registration on June 9, in the same year, and was entered in register.

Adoption by Kinu Suzuki was reported by adoptive mother and approvers of adoption, father, Kikujiro Segawa, and mother, Sute, who exercised parental authority, and the report was accepted on March 31, 1950, and was entered in register from that of Kikuhiro Segawa, 28, Hon-machi, Hakodate-shi, Hokkaido.

Adopted by Jack Whipple, nationality American. This was reported by the above American and Kinu Suzuki, mother of the boy and approver of adoption, who exercises parental authority. Received January 14, 1954, by this office.

I hereby certify that the above is a true copy of the original family register in every particular.

[OFFICIAL SEAL]

FUJITARO KANASASHI,  
*Mayor of Kawasaki City.*

DECEMBER 12, 1955.

Upon consideration of all the facts in each case included in the joint resolution, the committee is of the opinion that House Joint Resolution 555, as amended, should be enacted and accordingly recommends that it do pass.

